

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ADAM STREGE,

Case No. 23-CV-3147 (PJS/DTS)

Plaintiff,

v.

ORDER

HENNEN LUKE, Scott County Sheriff; JEFF  
WERSAL, Blue Earth County Sheriff; and  
DUGGAN LIAM, Prior Lake MN Police  
Chief, in their individual and official  
capacities,

Defendants.

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Plaintiff Adam Strege filed this action and sought to proceed *in forma pauperis* in lieu of paying a filing fee. After reviewing Strege's complaint pursuant to 28 U.S.C. § 1915(e)(2), the Court dismissed it for failure to state a claim, describing the complaint as "incomprehensible, consisting of a stream-of-consciousness description of various events and people." ECF No. 4 at 2.

This matter is before the Court on Strege's motion to amend his complaint.<sup>1</sup> The motion is denied as futile, as Strege's new allegations are as incomprehensible as the initial complaint. *See Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 497 (8th Cir. 2008)

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<sup>1</sup>Strege also requests that the caption be amended and that he be allowed to file electronically. ECF Nos. 7–8. As the Court is denying his motion to amend, these requests are denied as moot.

(district court may deny a motion to amend where the proposed amendment would be futile).

The only exception is Strege's reference to a dispute with "Minnesota Workers Compensation" over that entity's alleged refusal to "file 100% all my religion documents," which, Strege contends, violates the First Amendment. ECF No. 6 at 1. The entity that Strege is intending to sue is somewhat unclear, but he seems to be suing a state agency, which, absent the state's consent, he cannot do in federal court.<sup>2</sup> See *Monroe v. Ark. State Univ.*, 495 F.3d 591, 594 (8th Cir. 2007). As nothing in the record indicates that the state has consented to this type of suit, Strege's proposed claim is futile. See *APS v. Minn. Dep't of Lab.*, No. 06-CV-4495 (ADM/RLE), 2007 WL 1994048, at \*3 (D. Minn. July 6, 2007) (both the Minnesota Department of Labor & Industry and the Office of Administrative Hearings are immune from suit and the state has not waived its immunity), *aff'd*, 307 F. App'x 27 (8th Cir. 2009) (per curiam).

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<sup>2</sup>Conversely, if Strege is attempting to sue a private party, he could not state a claim under the First Amendment because state action would be lacking. Cf. *Wickersham v. City of Columbia*, 481 F.3d 591, 597 (8th Cir. 2007) ("The first Amendment guarantee of free speech guards against abridgment through state action alone.").

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion to amend complaint [ECF No. 6] is DENIED.
2. Plaintiff's request to change caption [ECF No. 7] and motion to participate in electronic filing [ECF No. 8] are DENIED AS MOOT.

Dated: October 30, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge  
United States District Court